IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.387 OF 2006

Satish Gopalkrishna Kulkarni .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.388 OF 2006

Satish Gopalkrishna Kulkarni .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.S.R.Pandey for the petitioners.
Mr.P.A.Pol A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 28TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. In these two writ petitions, the petitioners have impugned the common judgment by which two revision applications filed by the petitioners challenging the issue of process in two complaints filed by the respondents for two distinct offences under section 7(A) and 32(c) of the Factories Act, 1948, has been dismissed. The challenge to the issue of process is twofold. Firstly, the filing of the complaint was not within the limitation prescribed under section 106 of the Factories Act and secondly, there cannot be two separate complaints for the

offences under section 7(A) and 32(c) of the Factories Act. Insofar as the limitation is concerned, according to the complainant, the date of knowledge of offence was 17.3.2005 whereas the complaint was filed on 15.6.2005 which was clearly within limitation contemplated under section 106 of the Act. The contention of the learned counsel for the petitioners that the date of knowledge was 11th March and not 17th March as claimed by the complainant cannot be examined at this stage. Insofar as the second contention is concerned that can be taken care of by the learned Magistrate by exercising the powers under the provisions of section 218 of the Code of Criminal Procedure. In the circumstances the petitions are dismissed.

(D.B.Bhosale, J.)